MT LEGISLATIVE HISTORY

Chapter 182 1969

Bill (H) 260 S _____ Original bill & hist. ___C

H. Committee on Research & Resources		S. Committee on Banking & Insurance	
Hearing Date(s) Jan 23	✓C	Hearing Date(s) Feb 19	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Jan 23	✓C	Feb 19	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

The Committee on Research and Resources met at 10:30 a.m. with a quorum present and Chairman Lundgren presiding.

Rep. Rygg, Flathead county, was present to explain the basis of H.B. 260 which would require car insurance claims for cars "totaled out" be paid on replacement of the car instead of the blue book price. He stated he had discussed the bill with the state insurance commissioner, Mr. E. V. Omholt, and Mr. Omholt had thought the idea was good. He answered questions from the committee members on possible increase of premiums if the bill were enacted into law, and determination of replacement value of the car by checking with car dealers in the area. Rep. Rygg was excused.

Rep. Bardonouve appeared on H.J.R. 6 which would request the Congressional delegation to request the U.S. treasurer to return unclaimed U.S. postal savings deposits owned by Montana residents to the state of Montana. He stated the money is now being turned over to the United States treasurer and he stated the Montana attorney general felt this money belonged to Montana as it had belonged to Montanans as Montana was the last known address of the depositors. He stated the U.S. postal savings department was now defunct. He said the funds would go to education in Montana

Rep. Bardonouve stated he did not know how much money is involved, the U.S. treasurer had not released that information, he did not know if other states were requesting the return of these funds or not. He said legislature several years ago had enacted legislation to set up a fund for unclaimed deposits in banks, etc., in Montana and the money could be deposited in that fund.

Rep. Newby, Gallatin county, appeared on H.B. 235 which would delete the section in the present law which required 40% of the registered qualified voters to vote to make a bond issue election valid; no election could be held the same year an election had previously been held on the same question; a majority of the vote would be required to decide the issue.

Rep. Hall, Cascade county, also spoke in favor of the bill. He said it was a positive approach, would educate the people better on bond issues the first time the elector was held if they knew they couldn't hold another election on the same issue 30 days later. He stated that if an election is declared invalid for any reason, it is the same as none having been held and therefore the time limit would not be considered in whether to hold another bond issue election or not.

Rep. Newby stated he would have no objection to having the word "year" changed to the words "twelve month period" so that it would not be confused with a calendar year.

Mr. Wesley Wertz, attorney for Montana Bankers' Association, appeared in support of S.B. 42. He stated the bill had originated with the Montana Bankers Association and introduced by Sen Hafferman and other Senators. He said the bill

Rep. Gilligan moved that H.B. 260 do pass and the motion carried unanimously.

Rep. Wolf moved that H.J.R. 6 be adopted, and the motion carried unanimously.

Rep. Gilligan moved that H.B. 235 do pass. Rep. Fagg asked if it should be amended to delete the word "year" and insert in lieu thereof the words "twelve month period". Considerable discussion followed on the bill. Rep. Schoonover asked that the school boards' association be contacted on the bill. Rep. Gilligan withdrew his motion and made a second motion that the bill be kept in the committee for further consideration. Rep. Clemow seconded the motion that the bill do pass. Rep. Yardley offered a substitute motion that the committee pass consideration for the day and the substitute motion carried.

Rep. McGrath moved that S.B. 42 be concurred in and the motion carried unanimously.

Rep. Fagg, reported on the sub-committe for H.B. 117 and stated the Fish and Game department stated it would require $50,000 to enforce the motor boat regulations proposed in the bill. Rep. Schoonover stated he had a bill he hoped to have ready for introduction which would require the Fish and Game department to enforce the law but would also increase the fees and give the Fish and Game department part of the fees with which to enforce the law.

Chairman Lundgren stated that House Bills 235 and 249 would be heard discussed at the next meeting and in addition, House Joint Resolutions 10, 11 and 12 would be heard.

Rep. Johnston moved for adjournment and the motion carried. The meeting was adjourned at 11:40 a.m.

Chairman

CONRAD F. LUNDGREN

HMW

☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

JANUARY 23 19 69

Bill Clerk

MR. SPEAKER:

We, your committee on RESEARCH AND RESOURCES

having had under consideration HOUSE Bill No. 260

A BILL FOR AN ACT ENTITLED: 'AN ACT TO PROVIDE THAT MOTOR VEHICLE INSURANCE MUST PROVIDE THAT REIMBURSEMENT FOR A TOTAL LOSS OF THE VEHICLE BE BASED ON THE ACTUAL REPLACEMENT VALUE OF THE VEHICLE AND NOT ON A BOOK VALUE.'

respectfully report as follows: That HOUSE Bill No. 260

SENATE COMMITTEE

on

BANKING AND INSURANCE

February 19, 1969

The eighth meeting of the Committee on Banking and Insurance was held in Room 404 during noon recess, Wednesday, February 19, 1969. The meeting was called to order by Chairman Percy DeWolfe, all senators being present.

HB 260 - After a brief discussion of House Bill 260, it was moved, seconded and carried that House Bill 260 BE CONCURRED IN.

HB 250 - After some discussion a motion was made that HB 250 Be Concurred In As Amended. A sub motion was then made by Senator Reber that HB 250 As Amended Be Not Concurred In.

Because of the split vote a roll call vote was taken. Those voting "aye" on the submotion were: Hazelbaker, Broeder, Reber, Sparks. Those voting "nay" on this motion were: DeWolfe, Groff, Hafferman, Lehrkind, and Goodheart. (5-No; 4-Yes)

Therefore the vote on the main motion was, in majority, a AS AMENDED BE CONCURRED IN vote. (5-yes; 4-no).

It was moved that the committee secretary prepare majority and minority statements and that the senators sign these statements before the afternoon session. Motion was carried.

The majority statement will be carried by Senator DeWolfe. The minority report will be carried by Senator Hazelbaker.

The meeting was adjourned by the chairman. The next meeting will be held on request from the sub committee chairmen.

DeWolfe, Chr.

Carolyn Miller, Secretary.

Majority Committee Report

Senator DeWolfe
Senator Groff
Senator Hafferman
Senator Lehrkind
Senator Goodheart

Minority Committee Report

Senator Hazelbaker
Senator Reber
Senator Broeder
Senator Sparks

CHAPTER 181

An Act to Establish a State Motor Vehicle Pool and for the Storage and Maintenance of State-Owned Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of state motor vehicle pool.

Section 1. There is hereby created a state motor vehicle pool to be operated and maintained by the Montana state highway commission.

Section 2. All motor vehicles owned or leased by the state of Montana or its boards, commissions or agencies operated out of any areas or locations where five (5) or more state vehicles or three (3) or more state agencies are located, shall be stored, maintained and serviced by the Montana state highway commission. All actual costs for maintenance, service and storage to these state vehicles shall be paid to the Montana state highway commission by the individual state agencies involved.

Rules and regulations.

Section 3. Any and all rules and regulations promulgated for the operation and maintenance of a state motor vehicle pool shall be the same or as near feasible to rules and regulations followed by the Montana state highway commission in the use of their own motor vehicles.

Effective date.

Section 4. This bill to become effective July 1, 1969.

Approved: **February 28, 1969.**

CHAPTER 182

An Act to Provide that Motor Vehicle Insurance Must Provide that Reimbursement for a Total Loss of the Vehicle be Based on the Actual Replacement Value of the Vehicle and Not on a Book Value.

Be it enacted by the Legislative Assembly of the State of Montana:

Motor vehicle insurance—total loss of vehicle based upon replacement value.

Section 1. Each automobile insurance policy issued to residents of this state which provides that reimbursement for total loss of a motor vehicle shall be based on a "book" value rather than on the actual replacement value is void as to such provision and reimbursement shall be made for actual replacement value.

Approved: February 28, 1969.

CHAPTER 183

An Act Providing Home Instruction and Transportation for Crippled Children Outside of the State of Montana: Providing for Payment from School Districts to Out-of-State Agencies in the Case of Out-of-State Attendance of Handicapped Children; Amending Sections 75-1406 and 75-5003, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 75-1406, R.C.M. 1947, is amended to read as follows: Amending clause.

"75-1406. **Crippled children—home instruction—transportation—tax levy.** The board of trustees of any school district, at its discretion, is authorized to assist the education of crippled children of five (5) to sixteen (16) years of age, who, because of physical handicap cannot regularly attend public school by furnishing home tutorial service for such crippled children or by furnishing transportation to and from adequate school facilities locally or elsewhere within, *or outside of* the state, whichever best meets the child's needs as determined by the said board of trustees together with the superintendent of schools based upon recommendations of the division of service for crippled children of the Montana state board of health, and if in any school district there is a need of such special provision for crippled children located therein, then the board of county commissioners may levy a tax not to exceed one (1) mill on the dollar on all taxable property, within the district, in addition to all other levies, for school purposes, for the support and maintenance of such crippled children's education, provided that the board of school trustees of any such district requiring such levy must call an election in the manner prescribed by law for such extra levies for the purpose of obtaining the approval of the district to the making of such additional levy and provided further that such election must be held before the 1st day of July." Crippled children—home instruction—transportation—tax levy.

Section 2. Section 75-5003, R.C.M. 1947, is amended to read as follows: Amending clause.